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(Original Signature of Member)

111TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To repeal certain amendments to the Clean Air Act relating to the expansion  
of the renewable fuel program, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BURGESS introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To repeal certain amendments to the Clean Air Act relating  
to the expansion of the renewable fuel program, and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Leave Ethanol Vol-  
5       umes at Existing Levels Act” or the “LEVEL Act”.

1   **SEC. 2. REPEAL OF EXPANSION OF RENEWABLE FUEL PRO-**  
2                           **GRAM.**

3           (a) DEFINITIONS.—Section 211(o)(1) of the Clean  
4 Air Act (42 U.S.C. 7545(o)(1)) is amended to read as fol-  
5 lows:

6                   “(1) DEFINITIONS.—In this section:

7                           “(A) CELLULOSIC BIOMASS ETHANOL.—

8                   The term ‘cellulosic biomass ethanol’ means  
9 ethanol derived from any lignocellulosic or  
10 hemicellulosic matter that is available on a re-  
11 newable or recurring basis, including—

12                               “(i) dedicated energy crops and trees;

13                               “(ii) wood and wood residues;

14                               “(iii) plants;

15                               “(iv) grasses;

16                               “(v) agricultural residues;

17                               “(vi) fibers;

18                               “(vii) animal wastes and other waste  
19 materials; and

20                               “(viii) municipal solid waste.

21           The term also includes any ethanol produced in  
22 facilities where animal wastes or other waste  
23 materials are digested or otherwise used to dis-  
24 place 90 percent or more of the fossil fuel nor-  
25 mally used in the production of ethanol.

1                   “(B) WASTE DERIVED ETHANOL.—The  
2                   term ‘waste derived ethanol’ means ethanol de-  
3                   rived from—

4                   “(i) animal wastes, including poultry  
5                   fats and poultry wastes, and other waste  
6                   materials; or

7                   “(ii) municipal solid waste.

8                   “(C) RENEWABLE FUEL.—

9                   “(i) IN GENERAL.—The term ‘renew-  
10                  able fuel’ means motor vehicle fuel that—

11                  “(I)(aa) is produced from grain,  
12                  starch, oilseeds, vegetable, animal, or  
13                  fish materials including fats, greases,  
14                  and oils, sugarcane, sugar beets,  
15                  sugar components, tobacco, potatoes,  
16                  or other biomass; or

17                  “(bb) is natural gas produced  
18                  from a biogas source, including a  
19                  landfill, sewage waste treatment plant,  
20                  feedlot, or other place where decaying  
21                  organic material is found; and

22                  “(II) is used to replace or reduce  
23                  the quantity of fossil fuel present in a  
24                  fuel mixture used to operate a motor  
25                  vehicle.

1 “(ii) INCLUSION.—The term renew-  
2 able fuel includes—

3 “(I) cellulosic biomass ethanol  
4 and waste derived ethanol; and

5 “(II) biodiesel (as defined in sec-  
6 tion 312(f) of the Energy Policy Act  
7 of 1992 (42 U.S.C. 13220(f))) and  
8 any blending components derived from  
9 renewable fuel (provided that only the  
10 renewable fuel portion of any such  
11 blending component shall be consid-  
12 ered part of the applicable volume  
13 under the renewable fuel program es-  
14 tablished by this subsection).

15 “(D) SMALL REFINERY.—The term ‘small  
16 refinery’ means a refinery for which the average  
17 aggregate daily crude oil throughput for a cal-  
18 endar year (as determined by dividing the ag-  
19 gregate throughput for the calendar year by the  
20 number of days in the calendar year) does not  
21 exceed 75,000 barrels.”.

22 (b) RENEWABLE FUEL PROGRAM.—Paragraph (2) of  
23 section 211(o) of the Clean Air Act (42 U.S.C.  
24 7545(o)(2)) is amended as follows:

1 (1) REGULATIONS.—Clause (i) of subparagraph  
2 (A) is amended by striking the last sentence.

3 (2) APPLICABLE VOLUMES OF RENEWABLE  
4 FUEL.—Subparagraph (B) is amended to read as  
5 follows:

6 “(B) APPLICABLE VOLUME.—For the pur-  
7 pose of subparagraph (A), the applicable vol-  
8 ume for any of calendar years 2006 through  
9 2012 shall be determined in accordance with  
10 the following table:

<b>“Calendar year:</b>	<b>Applicable volume of re- newable fuel (in billions of gallons):</b>
2006	4.0
2007	4.7
2008	5.4
2009	6.1
2010	6.8
2011	7.4
2012	7.5”.

11 (c) APPLICABLE PERCENTAGES.—Paragraph (3) of  
12 section 211(o) of the Clean Air Act (42 U.S.C.  
13 7545(o)(3)) is amended as follows:

14 (1) In subparagraph (A), by striking “2021”  
15 and inserting “2011”.

1           (2) In subparagraph (A), by striking “transpor-  
2       tation fuel, biomass-based diesel, and cellulosic  
3       biofuel” and inserting “gasoline”.

4           (3) In subparagraph (B), by striking “2021”  
5       and inserting “2012” in clause (i).

6           (4) In subparagraph (B), by striking “transpor-  
7       tation fuel” and inserting “gasoline” in clause  
8       (ii)(II).

9       (d) CELLULOSIC BIOMASS ETHANOL OR WASTE DE-  
10     RIVED ETHANOL.—Paragraph (4) of section 211(o) of the  
11     Clean Air Act (42 U.S.C. 7545(o)(4)) is amended to read  
12     as follows:

13           “(4) CELLULOSIC BIOMASS ETHANOL OR WASTE  
14     DERIVED ETHANOL.—For the purpose of paragraph  
15     (2), 1 gallon of cellulosic biomass ethanol or waste  
16     derived ethanol shall be considered to be the equiva-  
17     lent of 2.5 gallons of renewable fuel.”.

18       (e) CREDIT PROGRAM.—Paragraph (5) of section  
19     211(o) of the Clean Air Act (42 U.S.C. 7545(o)(5)) is  
20     amended by striking subparagraph (E).

21       (f) WAIVERS.—

22           (1) IN GENERAL.—Paragraph (7) of section  
23     211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7))  
24     is amended—

1 (A) in subparagraph (A), by striking “, by  
2 any person subject to the requirements of this  
3 subsection, or by the Administrator on his own  
4 motion”; and

5 (B) by inserting “State” before “petition  
6 for a waiver” in subparagraph (B).

7 (2) CELLULOSIC BIOFUEL.—Paragraph (7) of  
8 section 211(o) of the Clean Air Act (42 U.S.C.  
9 7545(o)(7)) is amended by striking subparagraph  
10 (D).

11 (3) BIOMASS-BASED DIESEL.—Paragraph (7) of  
12 section 211(o) of the Clean Air Act (42 U.S.C.  
13 7545(o)(7)) is amended by striking subparagraphs  
14 (E) and (F).

15 (g) PERIODIC REVIEWS.—Section 211(o) of the  
16 Clean Air Act (42 U.S.C. 7545(o)) is amended by striking  
17 paragraph (11).

18 (h) SAVINGS CLAUSE.—Section 211(o) of the Clean  
19 Air Act (42 U.S.C. 7545(o)) is amended by striking para-  
20 graph (12).

21 (i) REGULATIONS.—Section 211 of the Clean Air Act  
22 (42 U.S.C. 7545) is amended by striking paragraph (2)  
23 of subsection (v).

24 (j) OTHER PROVISIONS.—

1           (1) ENVIRONMENTAL AND RESOURCE CON-  
2           SERVATION IMPACTS.—Section 204(b) of the Energy  
3           Independence and Security Act of 2007 (Public Law  
4           110–140) is repealed.

5           (2) EFFECTIVE DATE, SAVINGS PROVISION, AND  
6           TRANSITION RULES.—Section 210 of the Energy  
7           Independence and Security Act of 2007 (Public Law  
8           110–140) is repealed.

9   **SEC. 3. HIGHER ETHANOL BLENDS.**

10       (a) PROHIBITION OF AUTHORIZATION OF HIGHER  
11       ETHANOL BLENDS.—Notwithstanding any other provision  
12       of law, the Administrator of the Environmental Protection  
13       Agency may not permit or authorize the introduction into  
14       commerce of an ethanol-gasoline blend containing greater  
15       than 10 percent ethanol by volume that is intended for  
16       general use in conventional gasoline-powered onroad or  
17       nonroad vehicles or engines.

18       (b) STUDY.—Not later than 2 years after the date  
19       of enactment of this Act, the Administrator of the Envi-  
20       ronmental Protection Agency shall conduct, and submit to  
21       Congress the results of, a comprehensive study on—

22           (1) the effects of the introduction into com-  
23           merce of an ethanol-gasoline blend described in sub-  
24           section (a) on consumer products, including—

25                (A) onroad and nonroad vehicles;



1 (B) nonroad engines (such as lawn mow-  
2 ers); and

3 (C) any other applicable gasoline-powered  
4 vehicles, engines, and devices;

5 (2) the impact of an ethanol-gasoline blend de-  
6 scribed in subsection (a) on—

7 (A) engine performance of conventional  
8 gasoline-powered onroad and nonroad vehicles  
9 and nonroad engines;

10 (B) emissions from the use of the blend;  
11 and

12 (C) materials compatibility and consumer  
13 safety issues associated with the use of such  
14 blend (including the identification of insufficient  
15 data or information for some or all of such ve-  
16 hicles and engines with respect to each of the  
17 issues described in this subparagraph and sub-  
18 paragraphs (A) and (B)); and

19 (3) the ability of wholesale and retail gasoline  
20 distribution infrastructure, including bulk storage,  
21 retail storage configurations, and retail equipment  
22 (including certification of equipment compatibility by  
23 independent organizations), to introduce such an  
24 ethanol-gasoline blend into commerce without wide-

1 spread intentional or unintentional misfueling by  
2 consumers.